

REMARKS

In accordance with the foregoing, claim 12 is amended and claim 29 is canceled without prejudice or disclaimer of the subject matter contained therein, and claim 36 is newly added. Claims 1, 3-7, 10, 11, 13, 18, 20, 21, 23, 24, 26-28 and 30-35 are allowed. Applicant respectfully requests reconsideration of claim 12 by the Examiner in light of the following remarks and entry and consideration of new claim 36.

I. Rejection Under 35 USC §102

Claim 12 stands rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,099,718 to Thacker, et al. ("Thacker"). Applicants respectfully assert that claim 12 is patentably distinguishable from Thacker and the rejection is respectfully traversed.

Claim 12 sets forth a tip electrode extending outward from the distal end of the lead body, and a glue segment extending outward from the distal end of the lead body and disposed within said tip electrode to affix said electrode to a treatment site, wherein the glue segment is encapsulated within a biocompatible capsule.

Thacker teaches an orifice 27 formed in a lead body 15A so that adhering material 30 that is dispensed within a lumen 22 of the lead 15 may exit outward from the orifice 27 to be positioned tangential to the lead body 15A along electrode contacts 24 positioned along the side of the lead body 15A. Thacker does not teach a tip electrode extending outward from the distal end of the lead body, and a glue segment extending outward from the distal end of the lead body and disposed within said tip electrode to affix said electrode to a treatment site, wherein the glue segment is encapsulated within a biocompatible capsule, as set forth in claim 12. Therefore, claim 12 is patentably distinguishable from Thacker. Accordingly, withdrawal of the rejection is respectfully requested.

II. Rejection Under 35 USC §103

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thacker in view of U.S. Patent No. 6,251,115 to Williams, et al. ("Williams"). Claim 29 has been canceled without prejudice or disclaimer of the subject matter contained therein, rendering the rejection moot. Accordingly, withdrawal of the rejection is respectfully requested.

III. New Claim Added

New claim 36, which was originally submitted in the previous response but neither entered or considered by the Examiner in the current office action, has been added herein in an amended form. Support for new claim 36, can be found, for example, at paragraphs 31-33, in reference to FIG. 7. No new matter has been added. Entry and allowance of new claim 36 is respectfully requested.

IV. Conclusion

Applicant asserts that the remarks presented herein are fully responsive to the Office Action and are sufficient to overcome the rejections presented in the Office Action. However, there may be other arguments to be made as to why the pending claims are patentable. Applicant does not concede any such arguments by having not presented them herein.

Please grant any extension of time, if necessary for entry of this paper, and charge any fee due for such extension or any other fee required in connection with this paper to Deposit Account No. 13-2546.

Respectfully submitted,

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Date

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